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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROHAN SANDEEP RANE, ET AL.,
CLINT JORDAN LOPAKA
NAHOOIKAIKA BORGE,
aka "Whoops,"
"Jordan,"

Defendant.

No. CR 25-40-HDV-4

STIPULATION FOR AMENDED PROTECTIVE
ORDER REGARDING PRIVACY OF CHILD
VICTIM INFORMATION AND PERSONALLY
IDENTIFYING INFORMATION

Plaintiff United States of America, by and through its counsel
of record, the Acting United States Attorney for the Central District
of California and Assistant United States Attorney Catharine
Richmond, and defendant CLINT JORDAN LOPAKA NAHOOIKAIKA BORGE
("defendant"), by and through his counsel of record, Matthew Kohn,
hereby stipulate to, and respectfully request that the Court enter,
the following protective order ("Protective Order") in this case:

1 1. On January 17, 2025, a grand jury charged defendant, along
2 with three codefendants, in a single-count indictment in the above-
3 captioned case with one count of Child Exploitation Enterprise, in
4 violation of 18 U.S.C. § 2252A(g).

5 2. As part of its investigation in the above-captioned case,
6 law enforcement personnel have collected: (1) information relating to
7 child victims and/or witnesses, and (2) personally identifying
8 information, which the government seeks to provide defense counsel
9 pursuant to Rule 16 of the Federal Rules of Criminal Procedure
10 (although some of the material may exceed the scope of the
11 government's discovery obligations).

12 3. The parties recognize that all materials that the
13 government produces to the defense are solely for the use of
14 defendant, his attorney, or other individuals or entities acting
15 within the attorney-client relationship to prepare for the trial in
16 this case. The purpose of this Protective Order is to prevent the
17 unauthorized dissemination, distribution, or use of materials
18 containing child victim information and/or personally identifying
19 information.

20 4. Title 18, United States Code, Section 3509(d) states:

21 (d) Privacy protection.--

22 (1) Confidentiality of information.--

23 (A) A person acting in a capacity described in
24 subparagraph (B) in connection with a criminal proceeding
25 shall--

26 (i) keep all documents that disclose the name or
27 any other information concerning a child in a secure place
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1 to which no person who does not have reason to know their
2 contents has access; and

3 (ii) disclose documents described in clause (i)
4 or the information in them that concerns a child only to
5 persons who, by reason of their participation in the
6 proceeding, have reason to know such information.

7 (B) Subparagraph (A) applies to--

8 (i) all employees of the Government connected
9 with the case, including employees of the Department of
10 Justice, any law enforcement agency involved in the case,
11 and any person hired by the Government to provide
12 assistance in the proceeding;

13 (ii) employees of the court;

14 (iii) the defendant and employees of the
15 defendant, including the attorney for the defendant and
16 persons hired by the defendant or the attorney for the
17 defendant to provide assistance in the proceeding; and

18 (iv) members of the jury.

19 (2) Filing under seal.--All papers to be filed in court
20 that disclose the name of or any other information
21 concerning a child shall be filed under seal without
22 necessity of obtaining a court order. The person who makes
23 the filing shall submit to the clerk of the court--

24 (A) the complete paper to be kept under seal; and

25 (B) the paper with the portions of it that disclose
26 the name of or other information concerning a child
27 redacted, to be placed in the public record.

1 (3) Protective orders—

2 (A) On motion by any person the court may issue an
3 order protecting a child from public disclosure of the name
4 of or any other information concerning the child in the
5 course of the proceedings, if the court determines that
6 there is a significant possibility that such disclosure
7 would be detrimental to the child.

8 (B) A protective order issued under subparagraph (A)
9 may--

10 (i) provide that the testimony of a child
11 witness, and the testimony of any other witness, when the
12 attorney who calls the witness has reason to anticipate
13 that the name of or any other information concerning a
14 child may be divulged in the testimony, be taken in a
15 closed courtroom; and

16 (ii) provide for any other measures that may be
17 necessary to protect the privacy of the child.

18 (4) Disclosure of information.--This subsection does not
19 prohibit disclosure of the name of or other information
20 concerning a child to the defendant, the attorney for the
21 defendant, a multidisciplinary child abuse team, a guardian
22 ad litem, or an adult attendant, or to anyone to whom, in
23 the opinion of the court, disclosure is necessary to the
24 welfare and well-being of the child.

25 5. "Personal Identifying Information" ("PII") includes any
26 information that can be used to identify a person, including name,
27 address, date of birth, Social Security number, driver's license
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1 number, telephone number, account number, or personal identification
2 number. The term "PII Protected Information" refers to materials
3 containing PII that the government produces to the defense pursuant
4 to the Protective Order.

5 6. The Court may issue a protective order pursuant to Fed. R.
6 Crim. P. 16(d), which states in pertinent part, "[a]t any time the
7 court may, for good cause, deny, restrict, or defer discovery or
8 inspection, or grant other appropriate relief."

9 7. Wherefore, to permit the government to provide discovery
10 material to defense counsel while avoiding the unauthorized
11 dissemination of child victim information or personally identifying
12 information (collectively, the "PROTECTED MATERIALS"), the discovery
13 that is produced will be subject to a Protective Order designed to
14 protect the PROTECTED MATERIALS from inadvertent or unauthorized
15 disclosure. The Protective Order will include any discovery relating
16 to the PROTECTED MATERIALS, that is, written documentation,
17 electronic data, photographs and audio and/or video recordings
18 provided to the Defense Team, as defined below, including any
19 information contained therein and any copies of said discovery, which
20 include, but are not limited to, paper or electronic copies before or
21 after the execution of the Protective Order.

22 8. For purposes of this stipulation, the term "Defense Team"
23 refers to the defendant and his counsel of record. "Defense Team"
24 refers to the above-named counsel of record and any co-counsel
25 specifically assigned to work on this case. Additionally, the term
26 "Defense Team" includes any defense paralegals, investigators,
27 employees, experts, or translators hired by the counsel of record for
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1 any defendant to assist counsel with this case. "Defense Team"
2 includes any subsequent counsel of record, should current counsel of
3 record be relieved from this case or should another defendant's
4 counsel be added to the Court's docket. "Defense Team" does not
5 include family members and other associates of defendants.

6 9. The Defense Team is prohibited from directly providing
7 access to the PROTECTED MATERIALS to anyone not working on the
8 defense of this criminal case.

9 10. The Defense Team shall maintain all the PROTECTED MATERIALS
10 received from the government in a manner consistent with the terms of
11 this Protective Order and 18 U.S.C. § 3509(d). All information
12 produced to the defense that the government designates as PROTECTED
13 MATERIALS shall be stored in a secure manner in the defense team's
14 offices, homes, vehicles, or personal presence. Electronic materials
15 produced to the defense and printouts obtained from electronic
16 materials shall be handled in the same manner.

17 11. Defendant and his attorney are required to give a copy of
18 this Protective Order to all individuals outside defense counsel's
19 office engaged or consulted by defense counsel in preparation of the
20 trial in this case. Said individuals must agree in writing to be
21 bound by the terms of this Protective Order before receiving any of
22 the PROTECTED MATERIALS in connection with this case. The Defense
23 Team will keep a list of all individuals who have agreed in writing
24 to be bound by the terms of this Protective Order, which list may be
25 disclosed upon order of the Court in the event that the Court is
26 asked to determine whether a possible breach of the terms of the
27 Protective Order has occurred.

1 12. The attorney of record and members of the Defense Team may
2 display and review the PROTECTED MATERIALS with the defendant. The
3 attorney of record and members of the defense team acknowledge that
4 providing copies of the PROTECTED MATERIALS to defendant or other
5 persons is prohibited, and agree not to duplicate or provide copies
6 of the PROTECTED MATERIALS to defendant or other persons.

7 13. Nothing in this order should be construed as imposing any
8 discovery obligations on the government or defendant that are
9 different from those imposed by case law and/or Rule 16 of the
10 Federal Rules of Criminal Procedure, and the Local Criminal Rules.

11 14. Any of the PROTECTED MATERIALS that are filed with the
12 Court in connection with pre-trial motions, trial, sentencing, or
13 other matter before this Court, shall be filed under seal and shall
14 remain sealed until otherwise ordered by this Court, pursuant to Rule
15 16(d) and 18 U.S.C. § 3509(d). This does not entitle either party to
16 seal their filings as a matter of course. The parties are required
17 to comply in all respects to the relevant local and federal rules of
18 criminal procedure pertaining to the sealing of court documents.

19 15. A recipient shall use the PROTECTED MATERIALS only for the
20 preparation and litigation of this matter, and for no other purpose.
21 Litigation of this matter includes any appeal filed by defendant, and
22 any motion filed by defendant pursuant to 28 U.S.C. § 2255. Upon the
23 final disposition of this case, any of the PROTECTED MATERIALS shall
24 not be used, in any way, in any other matter, absent a court order.
25 All of the PROTECTED MATERIALS maintained in the Defense Team's files
26 shall remain subject to the protective order unless and until such
27 order is modified by court order. Upon the conclusion of appellate
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1 and post-conviction proceedings, and upon the consent of defendant
2 who the Defense Team represents, the Defense Team shall return the
3 PROTECTED MATERIALS or certify that the PROTECTED MATERIALS have been
4 destroyed.

5 16. All employees of the Government connected with the case,
6 including employees of the Department of Justice, any law enforcement
7 agency involved in the case, and all members of the Defense Team,
8 will comply with 18 U.S.C. § 3509(d).

9 17. An unauthorized use, disclosure, or dissemination of the
10 PROTECTED MATERIALS may constitute a violation of law and/or contempt
11 of court. Further, title 18, United States Code, Section 403 states,
12 "A knowing or intentional violation of the privacy protection
13 accorded by section 3509 of this title is a criminal contempt
14 punishable by not more than one year's imprisonment, or a fine under
15 this title, or both.

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1 18. Defendant's counsel represents that he has discussed this
2 stipulation and proposed Protective Order with his client who agrees
3 to be bound by this stipulation and the proposed Protective Order, if
4 executed by the Court.

5 IT IS SO STIPULATED.

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7 Dated: 03/03/25

JOSEPH T. MCNALLY
Acting United States Attorney

8 LINDSEY GREER DOTSON
9 Assistant United States Attorney
Chief, Criminal Division

10 *Catharine Richmond*

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12 CATHARINE A. RICHMOND
13 Assistant United States Attorney

14 Attorneys for Plaintiff
UNITED STATES OF AMERICA

15
16 Dated: 03/ 4 /25

matthew david kohn

17 MATTHEW KOHN

18 Attorney for Defendant
19 CLINT JORDAN LOPAKA NAHOOIKA
20 BERGE
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